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10/767,473	01/29/2004	Andrew M. Proehl	50N3127.01	3618

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EXAMINER	
NGUYEN, LE V	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/767,473	PROEHL ET AL.	
	Examiner	Art Unit	
	Le Nguyen	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *41-86* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *41-86* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *10/16/06 and 4/22/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 69 and 73 are objected to because of the following informalities: the claims end with a coma, which appear to be a typographical error. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 41-56 and 80-86 are rejected under 35 U.S.C. 102(e) as being anticipated by Carlson et al. ("Carlson").

As per claims 41 and 46, Carlson teaches, in an audio/visual (AV) system, a method for navigation of menu options available to a user of the AV system and a computer readable medium storing instructions that, when carried out on a programmed processor, carry out a process comprising entering a graphical user interface (GUI) in response to activation (col. 6, lines 15-16), generating a signal for displaying a first navigable list of menu options on a display (figs. 4A, 4B, 6A and 6B; col. 6, lines 1-21; a

first navigable list of menu options such as 402 and 404), the first navigable list of menu options having a plurality of fields arranged in a first linear configuration (fig. 4B), moving a cursor of the GUI to place the cursor over a field of the plurality of fields and, thus, highlight a field (fig. 4B; col. 6, lines 11-21), generating a signal for displaying a second navigable list of menu options associated with the highlighted field, the second navigable list of menu options arranged in a second linearly configured set of fields which intersect the first linear configuration of fields of the first navigable list of menu options at the highlighted field (figs. 4B and 6B; col. 6, lines 11-21; a second navigable list of menu options such as 409 and 419), moving a cursor of the GUI over a menu and selecting the menu option (fig. 4B; col. 6, lines 11-21; e.g. selecting menu option 416).

As per claim 42, Carlson teaches, in an audio/visual (AV) system, a method for navigation of menu options available to a user of the AV system and a computer readable medium storing instructions that, when carried out on a programmed processor, carry out a process wherein the first linear configuration of the first menu is oriented substantially horizontally (fig. 4B; first navigable list of menu options such as 402), and the second linear configuration of the second menu is oriented substantially vertically (fig. 4B; second navigable list of menu options such as 409).

As per claim 43, Carlson teaches, in an audio/visual (AV) system, a method for navigation of menu options available to a user of the AV system and a computer readable medium storing instructions that, when carried out on a programmed processor, carry out a process wherein the first linear configuration of the first menu is oriented substantially vertically (fig. 6B; first navigable list of menu options such as 404),

and the second linear configuration of the second menu is oriented substantially horizontally (fig. 6B; second navigable list of menu options such as 419).

As per claim 44, Carlson teaches, in an audio/visual (AV) system, a method for navigation of menu options available to a user of the AV system and a computer readable medium storing instructions that, when carried out on a programmed processor, carry out a process wherein the first linear configuration of the first menu is oriented substantially at a right angle to the second linear configuration of the second menu (figs. 4B and 6B).

As per claim 45, Carlson teaches, in an audio/visual (AV) system, a method for navigation of menu options available to a user of the AV system and a computer readable medium storing instructions that, when carried out on a programmed processor, carry out a process comprising generating a video display of first and second menus (figs. 4B and 6B).

As per claims 47, 55 and 80, Carlson teaches an Audio/Visual (AV) method for navigation of menu options available to a user of an AV device and a computer readable medium storing instructions that, when carried out on a programmed processor, carry out a process comprising entering a graphical user interface (GUI) (col. 6, lines 15-16), generating a signal for displaying a first menu on a display, the first menu having a plurality of fields arranged in a first linear configuration (figs. 4A, 4B, 6A and 6B; e.g. 402 and 404), generating a signal for displaying a cursor of the GUI over a field of the plurality of fields, thus producing a highlighted first menu field (figs. 6A-6B; col. 6, lines 43-65) and generating a signal for displaying a second menu on a display,

the second menu being arranged as a second linear configuration crossing the first menu, with the highlighted first menu field being a location of an intersection of the first menu and the second menu (figs. 4A, 4B, 6A and 6B; e.g. 409 and 419).

As per claims 48 and 81, Carlson teaches an Audio/Visual (AV) method for navigation of menu options available to a user of an AV device and a computer readable medium storing instructions that, when carried out on a programmed processor, carry out a process comprising generating a signal for moving the cursor of the GUI to place the cursor over a field of the set of fields of the second menu, thus highlighting a second menu field (figs. 6A-6B; col. 6, lines 43-65).

As per claims 49 and 82, Carlson teaches an Audio/Visual (AV) method for navigation of menu options available to a user of an AV device and a computer readable medium storing instructions that, when carried out on a programmed processor, carry out a process comprising selecting an action associated with the highlighted second menu field (figs. 6A-6B; col. 6, lines 43-65).

As per claims 50 and 83, Carlson teaches an Audio/Visual (AV) method for navigation of menu options available to a user of an AV device and a computer readable medium storing instructions that, when carried out on a programmed processor, carry out a process wherein the first linear configuration of the first menu is oriented substantially horizontally (fig. 4B; first navigable list of menu options such as 402), and the second linear configuration of the second menu is oriented substantially vertically (fig. 4B; second navigable list of menu options such as 409).

As per claims 51 and 84, Carlson teaches an Audio/Visual (AV) method for navigation of menu options available to a user of an AV device and a computer readable medium storing instructions that, when carried out on a programmed processor, carry out a process wherein the first linear configuration of the first menu is oriented substantially vertically (fig. 6B; first navigable list of menu options such as 404), and the second linear configuration of the second menu is oriented substantially horizontally (fig. 6B; second navigable list of menu options such as 419).

As per claims 52 and 85, Carlson teaches an Audio/Visual (AV) method for navigation of menu options available to a user of an AV device and a computer readable medium storing instructions that, when carried out on a programmed processor, carry out a process wherein the first linear configuration of the first menu is oriented substantially at a right angle to the second linear configuration of the second menu (figs. 4B and 6B).

As per claims 53 and 86, Carlson teaches an Audio/Visual (AV) method for navigation of menu options available to a user of an AV device and a computer readable medium storing instructions that, when carried out on a programmed processor, carry out a process wherein the second menu comprises at least one of a menu of available media, a menu of available options, a menu of available actions, a menu of available devices associated with the highlighted first menu field (figs. 4B and 6B).

As per claim 54, Carlson teaches an Audio/Visual (AV) method for navigation of menu options available to a user of an AV device and a computer readable medium

storing instructions that, when carried out on a programmed processor, carry out a process comprising generating a video display of first and second menus (figs. 4B and 6B).

As per claim 56, Carlson teaches an Audio/Visual (AV) method for navigation of menu options available to a user of an AV device and a computer readable medium storing instructions that, when carried out on a programmed processor, carry out a process for navigation of menu options available to a user of the AV device/system (figs. 4A, 4B, 6A and 6B; col. 6, lines 1-21; col. 6, lines 43-65).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 57-79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson et al. ("Carlson") in view of Gerba et al. ("Gerba").

As per claims 57 and 62, Carlson teaches, in an audio/visual (AV) system, a method for navigation of menu options available to a user of the AV system and a computer readable storage medium storing instructions that, when carried out on a programmed processor, carry out a process comprising entering a graphical user interface (GUI) in response to activation of a selection mechanism (col. 6, lines 15-16), generating a signal for displaying a first menu on a display, the first menu having a

plurality of fields arranged in a first linear configuration (figs. 4A, 4B, 6A and 6B; col. 6, lines 1-21; a first navigable list of menu options such as 402 and 404), moving a cursor of the GUI to place the cursor over a field of the plurality of fields, and thus highlight the field (fig. 4B; col. 6, lines 11-21), generating a signal for displaying a navigable list of menu options associated with the highlighted field, the navigable list of menu options being arranged as in second linearly configured set of fields which cross the first linear configuration of fields of the first menu at the highlighted field (figs. 4B and 6B; col. 6, lines 11-21; a second navigable list of menu options such as 409 and 419), moving a cursor of the GUI to place the cursor over a menu option on the navigable list of menu options and selecting the menu option in response to activation of a selection mechanism (fig. 4B; col. 6, lines 11-21; e.g. selecting menu option 416). Carlson does not explicitly disclose the selection mechanism being a remote commander. Gerba teaches a selection mechanism being a remote commander (figs. 4A-F). It would have been obvious to an artisan at the time of the invention to incorporate the method of Gerba with the method of Carlson in order to provide users with an implementation preference, especially given that a remote commander/remote control is common in an audio/visual system.

As per claim 58, the modified Carlson teaches, in an audio/visual (AV) system, a method for navigation of menu options available to a user of the AV system and a computer readable storage medium storing instructions that, when carried out on a programmed processor, carry out a process wherein the first linear configuration of the first menu is oriented substantially horizontally (Carlson: fig. 4B; first navigable list of

menu options such as 402), and the second linear configuration of the second menu is oriented substantially vertically (Carlson: fig. 4B; second navigable list of menu options such as 409).

As per claim 59, the modified Carlson teaches, in an audio/visual (AV) system, a method for navigation of menu options available to a user of the AV system and a computer readable storage medium storing instructions that, when carried out on a programmed processor, carry out a process wherein the first linear configuration of the first menu is oriented substantially vertically (Carlson: fig. 6B; first navigable list of menu options such as 404), and the second linear configuration of the second menu is oriented substantially horizontally (Carlson: fig. 6B; second navigable list of menu options such as 419).

As per claim 60, the modified Carlson teaches, in an audio/visual (AV) system, a method for navigation of menu options available to a user of the AV system and a computer readable storage medium storing instructions that, when carried out on a programmed processor, carry out a process wherein the first linear configuration of the first menu is oriented substantially at a right angle to the second linear configuration of the second menu (Carlson: figs. 4B and 6B).

As per claim 61, the modified Carlson teaches, in an audio/visual (AV) system, a method for navigation of menu options available to a user of the AV system and a computer readable storage medium storing instructions that, when carried out on a programmed processor, carry out a process comprising generating a video display of first and second menus (Carlson: figs. 4B and 6B).

As per claims 63 and 71, Carlson teaches, in an audio/visual (AV) system, a method for navigation of menu options available to a user of the AV system and a computer readable storage medium storing instructions that, when carried out on a programmed processor, carry out a process comprising entering a graphical user interface (GUI) in response to receipt of a GUI selection signal (col. 6, lines 15-16), generating a signal for displaying a first menu on a display, the first menu having a plurality of fields arranged in a first linear configuration (figs. 4A, 4B, 6A and 6B; e.g. 402 and 404), generating a signal for displaying a cursor of the GUI over a field of the plurality of fields, thus producing a highlighted first menu field, in response to receipt of a navigation signal (figs. 6A-6B; col. 6, lines 43-65) and generating a signal for displaying a second menu on the display, the second menu being arranged as linear set of fields crossing the first menu, with the highlighted first menu field being a location of intersection of the first menu and the second menu (figs. 4A, 4B, 6A and 6B; e.g. 409 and 419). Carlson does not explicitly disclose the selection mechanism being a remote commander. Gerba teaches a selection mechanism being a remote commander (figs. 4A-F). It would have been obvious to an artisan at the time of the invention to incorporate the method of Gerba with the method of Carlson in order to provide users with an implementation preference, especially given that a remote commander/remote control is common in an audio/visual system.

As per claim 64, the modified Carlson teaches, in an audio/visual (AV) system, a method for navigation of menu options available to a user of the AV system and a computer readable storage medium storing instructions that, when carried out on a

programmed processor, carry out a process comprising generating a signal for moving the cursor of the GUI to place the cursor over a field of the set of fields of the second menu, thus highlighting a second menu field (Carlson: figs. 6A-6B; col. 6, lines 43-65).

As per claim 65, the modified Carlson teaches, in an audio/visual (AV) system, a method for navigation of menu options available to a user of the AV system and a computer readable storage medium storing instructions that, when carried out on a programmed processor, carry out a process comprising selecting an action associated with the highlighted second menu field in response to receipt of a selection command from the remote commander (Carlson: figs. 6A-6B; col. 6, lines 43-65; Gerba: figs. 4A-F).

As per claim 66, the modified Carlson teaches, in an audio/visual (AV) system, a method for navigation of menu options available to a user of the AV system and a computer readable storage medium storing instructions that, when carried out on a programmed processor, carry out a process wherein the first linear configuration of the first menu is oriented substantially horizontally (Carlson: fig. 4B; first navigable list of menu options such as 402), and the second linear configuration of the second menu is oriented substantially vertically (Carlson: fig. 4B; second navigable list of menu options such as 409).

As per claim 67, the modified Carlson teaches, in an audio/visual (AV) system, a method for navigation of menu options available to a user of the AV system and a computer readable storage medium storing instructions that, when carried out on a programmed processor, carry out a process wherein the first linear configuration of the

first menu is oriented substantially vertically (Carlson: fig. 6B; first navigable list of menu options such as 404), and the second linear configuration of the second menu is oriented substantially horizontally (Carlson: fig. 6B; second navigable list of menu options such as 419).

As per claim 68, the modified Carlson teaches, in an audio/visual (AV) system, a method for navigation of menu options available to a user of the AV system and a computer readable storage medium storing instructions that, when carried out on a programmed processor, carry out a process wherein the first linear configuration of the first menu is oriented substantially at a right angle to the second linear configuration of the second menu (Carlson: figs. 4B and 6B).

As per claim 69, the modified Carlson teaches, in an audio/visual (AV) system, a method for navigation of menu options available to a user of the AV system and a computer readable storage medium storing instructions that, when carried out on a programmed processor, carry out a process wherein the second menu comprises a menu of functions associated with the highlighted first menu field (Carlson: figs. 4A, 4B, 6A and 6B; col. 6, lines 1-21; col. 6, lines 43-65).

As per claim 70, the modified Carlson teaches, in an audio/visual (AV) system, a method for navigation of menu options available to a user of the AV system and a computer readable storage medium storing instructions that, when carried out on a programmed processor, carry out a process comprising generating a video display of first and second menus (Carlson: figs. 4B and 6B).

As per claims 72 and 75, Carlson teaches, in an audio/visual (AV) system, a method for navigation of menu options available to a user of the AV system and a computer readable storage medium storing instructions that, when carried out on a programmed processor, carry out a process comprising entering a graphical user interface (GUI) in response to activation of a selection mechanism (col. 6, lines 15-16), generating a signal for displaying a first menu on a display, the first menu having a plurality of fields arranged in a horizontal configuration (figs. 4A, 4B, 6A and 6B; col. 6, lines 1-21; a first navigable list of menu options such as 402 and 404), laterally moving a cursor of the GUI to place the cursor over a field of the plurality of fields and, thus, highlight the field (fig. 4B; col. 6, lines 11-21), generating a signal for displaying a list of menu options associated with the highlighted field, the navigable list of menu options being arranged as a vertical set of fields crossing the horizontal configuration of fields of the first menu at the highlighted field (figs. 4B and 6B; col. 6, lines 11-21; a second navigable list of menu options such as 409 and 419), vertically moving a cursor of the GUI to place the cursor over a menu option on the navigable list of menu options and selecting the menu option in response to activation of a selection mechanism (fig. 4B; col. 6, lines 11-21; e.g. selecting menu option 416). Carlson does not explicitly disclose the selection mechanism being a remote commander. Gerba teaches a selection mechanism being a remote commander (figs. 4A-F). It would have been obvious to an artisan at the time of the invention to incorporate the method of Gerba with the method of Carlson in order to provide users with an implementation preference, especially given that a remote commander/remote control is common in an audio/visual system.

As per claim 73, the modified Carlson teaches in an audio/visual (AV) system, a method for navigation of menu options available to a user of the AV system and A computer readable storage medium storing instructions that, when carried out on a programmed processor, carry out a process wherein the second menu comprises a menu of functions associated with the highlighted first menu field (Carlson: figs. 4A, 4B, 6A and 6B; col. 6, lines 1-21; col. 6, lines 43-65).

As per claim 74, the modified Carlson teaches in an audio/visual (AV) system, a method for navigation of menu options available to a user of the AV system and A computer readable storage medium storing instructions that, when carried out on a programmed processor, carry out a process comprising generating a video display of first and second menus (Carlson: figs. 4B and 6B).

As per claims 76 and 79, Carlson teaches, in an audio/visual (AV) system, a method for navigation of menu options available to a user of the AV system and a computer readable storage medium storing instructions that, when carried out on a programmed processor, carry out a process comprising entering a graphical user interface (GUI) in response to activation of a selection mechanism (col. 6, lines 15-16), generating a signal for displaying a first menu on a display, the first menu having a plurality of fields arranged in a vertical configuration (figs. 6A-6B; a first menu 404), vertically moving a cursor of the GUI to place the cursor over a field of the plurality of fields, and thus highlight the field (figs. 6A-6B; col. 6, lines 43-65), generating a signal for displaying a list of menu options associated with the highlighted field, the navigable list of menu options being arranged as a horizontal set of fields crossing the horizontal

configuration of fields of the first menu at the highlighted field (figs. 6A-6B; navigable list of menu options 419 being arranged as a horizontal set of fields), horizontally moving a cursor of the GUI to place the cursor over a menu option on the navigable list of menu options and selecting the menu option in response to activation of a selection mechanism (figs. 6A-6B; col. 6, lines 43-65; e.g. selecting menu option 420). Carlson does not explicitly disclose the selection mechanism being a remote commander. Gerba teaches a selection mechanism being a remote commander (figs. 4A-F). It would have been obvious to an artisan at the time of the invention to incorporate the method of Gerba with the method of Carlson in order to provide users with an implementation preference, especially given that a remote commander/remote control is common in an audio/visual system.

As per claim 77, the modified Carlson teaches, in an audio/visual (AV) system, a method for navigation of menu options available to a user of the AV system and a computer readable storage medium storing instructions that, when carried out on a programmed processor, carry out a process wherein the second menu comprises a menu of functions associated with the highlighted first menu field (Carlson: figs. 4A, 4B, 6A and 6B; col. 6, lines 1-21; col. 6, lines 43-65).

As per claim 78, the modified Carlson teaches, in an audio/visual (AV) system, a method for navigation of menu options available to a user of the AV system and a computer readable storage medium storing instructions that, when carried out on a programmed processor, carry out a process generating a video display of first and second menus (Carlson: figs. 4B and 6B).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Geiser (US 5,059,965) teaches a method of and device for selection or entry of a destination via figs. 1a-1c.

Inquires

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lê Nguyen whose telephone number is **(571) 272-4068**. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached at (571) 272-4063.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lvn
Patent Examiner
June 19, 2007

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